

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, June 30, 2015**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; Kirby Delauter, Jerry Donald, Jessica Fitzwater and Billy Shreve were present for the meeting.

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office; Joyce Grossnickle, Administrative Officer and Patti Morrow, Recording Secretary.

Council President Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

Council Member Keegan-Ayer moved to approve the agenda as written. Council Member Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

CONSENT AGENDA

The following items were considered on the consent agenda:

- #BT-15-247 – Accounting, Finance Division
- #BT-15-269 – Child Advocacy Center, Citizens Services Division
- #BT-15-270 – Office of Sustainability and Environmental Resources, Community Development Division
- #BT-15-272 – Utilities and Solid Waste Management Division
- #BT-16-001 – Workforce Services, Citizens Services Division
- #BT-16-002 – Workforce Services, Citizens Services Division
- #BT-16-003 – Workforce Services, Citizens Services Division

Council Member Keegan-Ayer moved to approve the consent agenda as presented. Council Member Donald seconded the motion that passed 6-1 with Council Member Shreve opposed.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

BUSINESS ITEMS**Approval of Minutes**

Council Member Keegan-Ayer made a motion to approve the June 9, 2015, minutes. Council Member Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Adoption of the Frederick Community College (FCC) FY 2016 Budget (Operating Budget, Auxiliary Budgets, Capital Budget and Capital Improvements Program (CIP)) – Dana McDonald, FCC

Ms. McDonald presented the budgets.

Council Member Keegan-Ayer moved to approve the adoption of the FCC FY 2016 Operating Budget, Auxiliary Budgets, Capital Budget and CIP as presented. Council Member Donald seconded the motion that passed 6-1 with Council Member Shreve opposed.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Affirm the Confirmation of the County Executive's Appointees – Joyce Grossnickle, Administrative Officer

Ms. Grossnickle presented the appointments recently made by County Executive Gardner. Ms. Grossnickle requested the Council's confirmation of the appointments as presented.

Frederick County Commission on Disabilities

Council Member Keegan-Ayer moved to confirm the appointment of Ms. JoAnne McArdle to fill an unexpired term to expire June 30, 2016. Council Member Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Technology Council of Frederick County

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Dan Jamison for a four-year term effective July 1, 2015, through June 30, 2019. Council Member Donald seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Frederick County Workforce Development Board

Council Member Keegan-Ayer moved to confirm the reappointments of Ms. Amanda Haddaway and Ms. Lisa Morrissey for four-year terms effective July 1, 2015, through June 30, 2019. Council Member Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Frederick County Planning Commission (FcPc)

Mr. Doug Browning, Chief Administrative Officer, presented County Executive Gardner's appointment she recently made to the FcPc. Mr. Browning requested the Council's confirmation of the appointment as presented.

Council Member Keegan-Ayer moved to confirm the appointment of Ms. Sharon Suarez to fill an unexpired term to expire June 30, 2017. Council Member Fitzwater seconded the motion that passed 6-1 with Council Member Shreve opposed.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Consideration to Reimburse Former County Commissioner C. Paul Smith for Legal Expenses – Council President Bud Otis

Council Member Chmelik moved to reimburse former County Commissioner C. Paul Smith's legal fees incurred by him as it related to the defense of actions he undertook as an elected official. Council Member Delauter seconded the motion that passed 6-1 with Council Member Keegan-Ayer opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Third Reading Calendar:

To Consider Bill No. 15-05 Concerning an Update to the Frederick County Plumbing Code – Chapter 1-14 – Council President Bud Otis (On behalf of the County Executive)

Mr. Gary Hessong indicated that staff was in agreement with amending subsections by deleting sections in the Plumbing Code that were not consistent with the International Plumbing Code. Mr. Michael Chomel, Office of the County Attorney noted that the amendment was not a substantive change to the original bill and would need to be reprinted and brought back to the next Council meeting.

Council Member Keegan-Ayer moved to approve the amendment as recommended by staff. Council Member Chmelik seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

To Consider Bill No. 15-06 - Updates to Chapter 1-6A of the Frederick County Code - Moderately Priced Dwelling Units – Council Member Jessica Fitzwater

Ms. Kathy Mitchell, Office of the County Attorney, commented on the amendment stating it was not a substantive change to the original bill and that the amended bill would be reprinted and brought back to the next Council meeting.

Council Member Fitzwater moved to approve the amendment to Bill No. 15-06 by adding the clause except as provided in Section 1.6A-5.2 to Section 1.6A-9 as written. Council Member Donald seconded the motion that passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

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Old Business Item:**Discussion of Future Action by the Council in Connection with the Frederick Area Committee for Transportation (FACT) Correspondence regarding the Monrovia Town Center (MTC) (Continued from Tuesday, June 16, 2015. Public Hearing Held on Tuesday, June 9, 2015) – Council President Bud Otis**

Mr. Michael Chomel, Office of the County Attorney, noted the item was before the Council for a decision regarding the significance of the FACT letter in the decision of the previous Board of County Commissioners' action on the MTC rezoning case.

Council Member Chmelik moved to find that the FACT letter did not have an impact on the final 4-1 vote of the previous Board of County Commissioners in its decision on the MTC rezoning case. Council Member Delauter seconded the motion that failed 3-4 with Council Members Otis, Keegan-Ayer, Donald and Fitzwater opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Council Member Keegan-Ayer moved to lay on the table the decision regarding the significance of the FACT letter in order to study the record of the MTC rezoning case beginning January 2014 through April 2014 for a time certain not sooner than 30 days nor greater than 45 days. Council Member Donald seconded the motion.

The motion was amended to lay on the table the decision regarding the significance of the FACT letter in order to study the record of the MTC rezoning case from January 2014 through April 2014 to the Council's September 1, 2015, meeting.

The vote on the amended motion was 5-2 with Council Members Delauter and Shreve opposed.

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District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter		X	
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Public Comments

- Chris Dillard
- Stephens Dempsey
- Patrick Schempp
- Pam Abramson
- Carl Thomas
- Kevin Mays
- Buzz Lerch
- Stan Mordensky
- Teddy Kroll
- Steve McKay
- Matt Seubert
- Lisa Jarosinski
- Shawn Verma
- Patrick Dougherty
- Paul Rose, Esquire, Miles and Stockbridge, representing the MTC developers
- Chuck Honse
- Ed Morgan

Council Comments

Comments were provided by Council Members Otis, Chmelik, Donald and Fitzwater.

Adjourn

The meeting adjourned at 6:20 p.m.

Bud Otis, President
County Council